IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO 6146 OF 1997

Pandurang Narayan Kadam,
Occupation-service,
residing at 186, Mahatma Phule
Peth, Pune. ..Petitioner
Orig.defendnat.

V/s.

Ramchandra Bapu Jadhav,
Occupation-Business,
residing at 33, Kasba Peth,
Pune-411011. ..Respondent.
Orig.Plaintiff

Mr. Jagdish Reddy i/b Mrs., Suhasini Mutalik for the petitioner.

Mr. S.J. Rairkar for the respondent.

CORAM : ANOOP V.MOHTA J.

DATE : 10TH AUGUST, 2005.

ORAL JUDGMENT

. The present writ petition is filed by the original-defendnat-tenant and prayed to interfere with the concurrent finding given by the Courts below, granting a decree for possession on the ground of a bonafide need of the respondent-landlord.

2. Heard, the learned Counsel, Mr. Reddy for the

petitioner and the learned Counsel Mr. Rairkar for the respondent. With the assistance of the learned advocates appearing for the parties, I have gone through the record and the reasoning given by the Courts below. The material on the record, apart from the evidence in support of the same, left no doubt that the respondent-landlord has made out the case of bonafide need, as contemplated under the Bombay Rent, Hotel and Lodging House Rates Control Act, 1947 (for short Bombay Rent Act).

3. The respondent-landlarod, in the present case need the premises for use and occupation and the same has been supported by the evidence, which remained unrebutted. Both the Courts below therefore, even after considering the comparative hardship have granted the decree for possession.

4. The view as taken on record appears to be reasonable and within the frame work of the law. There is no perversity, which need to be interfered. Resultantly, the writ petition is dismissed. Rule discharged. Interim stay granted is vacated.

5. At the request of the advocate appearing for the petitioner, six months time is granted to vacate the premises on the condition of filing usual undertaking within three weeks from the date of the order, failing which the order of granting time to vacate the premises stands vacated. The landlord will be at liberty to take possession in accordance with the law.

[ANOOP V. MOHTA, J.]